

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

EVARISTO ROSARIO

v.

CA 13-373 ML

STATE OF RHODE ISLAND

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's Objection to a Report and Recommendation issued by Magistrate Judge Almond on May 22, 2013. This Court has reviewed the Report and Recommendation and Plaintiff's Objection. It appears that Plaintiff may be asserting a claim for money damages, not habeas corpus relief. As Magistrate Judge Almond observed, Plaintiff is not now in custody, nor is he subject to any unexpired term of probation or parole. Accordingly, his petition, pursuant to 28 U.S.C. § 2254, must be, and it is hereby, DISMISSED.

SO ORDERED:

/s/ Mary M. Lisi

Mary M. Lisi

Chief United States District Judge

June 12, 2013